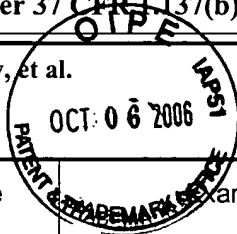


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**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
760-251

In Re Application Of: R. Whirley, et al.



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/769,532	1/30/2004	T. Sweet	23869	3738	8638

Invention: **INFLATABLE POROUS IMPLANTS AND METHODS OF DRUG DELIVERY**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Request for Continued Examination

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

10/10/2006 AWONDAF1 00000111 082461 10769532

01 FC:1453 1500.00 DA

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Calculation and Payment of Fees

Enclosed are the following fees:

6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:	<u>\$1,500.00</u>
7. <input type="checkbox"/> Fee for reply in the amount of:	<u> </u>
8. <input type="checkbox"/> Issue fee in the amount of:	<u> </u>
9. <input type="checkbox"/> Continuing application filing fee in the amount of:	<u> </u>
10. <input type="checkbox"/> Terminal disclaimer fee in the amount of:	<u> </u>
11. <input checked="" type="checkbox"/> <u>Fee for RCE and Two-Month Extension of Time</u>	<u>\$1,240.00</u>
Total fees enclosed:	<u>\$2,740.00</u>

The fee of **\$2,740** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **08-2461**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), Subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

John S. Sopko
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, NY 11791


(973) 331-1700

Dated: October 3, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37

October 3, 2006

(Date)



Signature of Person Mailing Correspondence

Kathleen J. Goodhand

Typed or Printed Name of Person Mailing Correspondence

CC: